

# VILLAGE OF EAGLE REGULAR BOARD MEETING MINUTES

December 10, 2015

Approved

## **Call to Order/Open Meeting Law requirements:**

President R. Spurrell called the meeting to order at 7:00pm, open meeting law requirements were confirmed as being met.

**Roll Call:** Present were Trustees G. Hein, J. Hoefakker, G. Scheff, L. Neuburg, J. Frisch, P. Jones and President R. Spurrell.

**Pledge of Allegiance:** Pledge of Allegiance was led by R. Spurrell.

**Review/Approval of Minutes:** Motion to approve minutes from November 12, 2015 made by J. Frisch. Seconded by L. Neuburg. Motion carried unanimously (7-0).

Motion to approve minutes from November 24, 2015 made by L. Neuburg. Seconded by J. Frisch. Motion carried unanimously (7-0).

Motion to approve minutes from December 1, 2015 made by L. Neuburg. Seconded by J. Frisch. Motion carried unanimously (7-0).

## **Review/Approval of Treasurer's Report, including regular monthly accounts payable and journal entry**

**log:** Trustees reviewed the reports presented. Motion to approve the Treasurer's Report, regular monthly accounts payable, and journal entry log made by J. Frisch. Seconded by G. Scheff. Motion carried unanimously (7-0)

**Clerk's Report:** Clerk C. Zindars announced that 2015 Property Tax Bills were mailed on December 7<sup>th</sup> and are available online. She also stated that the auditors had come for preliminary field work, which had gone well.

## **Citizen Comments/Concerns:**

S. Royston, 330 Appletree Ln – inquired as to why nothing had been done regarding a speaker system for the Community room as promised at the last Village Board meeting. R. Spurrell responded, stating that the issue had been discussed at the Municipal Building committee meeting.

S. Dooley, 100 South St – commented on the noise ordinance, stating his belief that the decibel levels listed were too low. He listed what he thought could be potential issues in the Village for exceeding the decibel limits like Kettle Moraine Days, Christmas music played at St. Theresa's, and patrons smoking outside his bar having a conversation at night.

R. Watry, 624 E. Main St. – expressed her desire for any proposed animal ordinance include proper disposal of animals.

D. Murphy, 444 Kettle Moraine Dr. – questioned R. Spurrell's comments from the last Village Board meeting when he commented on less police services for less money. R. Spurrell clarified stating that he had meant to comment on the amount of coverage, not the amount or level of service.

L. Fejnas, 103 Eagle St. – stated that she thought the decibel levels in the proposed noise ordinance were too loud. She asked the trustees to imagine how disruptive music playing in their back yard every Sunday in the summer for 4 hours at a time, and at 85 decibels on holiday weekends, which she stated is how she experiences in the summer. She also stated that she doesn't think that events held at bars should be compared to community events.

### **Announcements:**

**Chief Presiding Officer:** R. Spurrell announced that property tax bills were finalized and that Village taxes were unchanged and garbage fees went down.

**Board Members:** J. Frisch made an announcement regarding how well attended the Santa event was at the Fire Station.

**Fire Dept. Representative:** Acting Chief B. Hein announced that the Fire Department was having a very busy year and was currently 50-60 calls over an average year.

**Police Dept. Representative:** Cpt. S. Lesniewski announced the department's Booze & Belt campaign approaching, that the department was applying for a potential \$4000 grant, and that the department had added a training position.

**Eagle Business Association Representative:** no representative provided announcements

### **Planning Commission:**

- a. **Discussion/action regarding cable easement request from CenturyTel of the Midwest-Wisconsin, LLC for tax key EGLV1814983, site address: 331 Kettle Moraine Dr:** R. Spurrell stated that the Planning Commission recommended approval. Brief discussion followed. Motion to approve the easement for Century Tel made by G. Scheff. Seconded by P. Jones. Motion carried unanimously (7-0)

**Consideration/Action regarding Resolution 2015-05, a Resolution to change Village Notice Posting Locations per 2015 Wisconsin Act 79, specifically the amendment to WI Statute §985.02(2)(a) regarding meeting posting requirements:** R. Spurrell explained that statutes now allowed for one physical posting location and one online posting instead of 3 physical posting locations. L. Neuburg asked if it needed to be changed. R. Spurrell replied that it did not. Motion made by J. Hoefakker to keep posting locations unchanged. Seconded by G. Scheff. Motion carried unanimously (7-0).

**Consideration/Action regarding approval of Chief Inspectors and Poll Workers for the years 2016 and 2017:** Motion to approve the list provided made by J. Frisch. Seconded by G. Hein. Motion carried unanimously (7-0).

**Consideration/Action regarding Operator's License application for Christine Hodges:** Motion to approve application made by J. Frisch. Seconded by L. Neuburg. Motion carried (7-0).

**Consideration/Action to amend the 2016 Village of Eagle budget:** R. Spurrell explained that the clerk met with the auditors to discuss how to better report revenues and expense for benefits. He explained that changes being made were an even reduction to revenue and expense and would show the net expense to the Village for benefits. Motion made by J. Frisch to approve the amended 2016 budget. Seconded by P. Jones.

**Roll Call Vote:** L. Neuburg – yes, J. Frisch – yes, J. Hoefakker – yes, P. Jones – yes, G. Scheff – yes, G. Hein – yes, R. Spurrell – yes. Motion carried unanimously (7-0).

**Consideration/Action regarding the Mutual Cooperation Agreement under the Housing and Community Development Act and The National Affordable Housing Act:** R. Spurrell summarized the letter received from Atty. Blum regarding the agreement, stating that his interpretation was that it would be more detrimental to not approve the agreement than it would be to approve it. J. Hoefakker cited a section of the agreement, stating that his interpretation was that approving would enable higher governments to come into the Village and allow the establishment of low-income housing, remarking on

how many residents were opposed to the Bielinski Senior Housing development. L. Neuburg asked what potential ramifications there would be if the agreement was not approved. R. Spurrell stated that there would be certain home funding programs through the County that residents may not be eligible for. Motion made by J. Frisch to deny approval of the agreement. Seconded by J. Hoefakker. Motion carried (5-2) R. Spurrell and L. Neuburg opposed.

**Consideration/Action regarding approval of the 2016 Municipal Court budget:** R. Spurrell summarized the budget, stating that the Town of Waukesha would be leaving the Joint Municipal Court in 2016. Motion made by J. Frisch to approve the 2016 Joint Municipal Court budget. Seconded by P. Jones. Motion carried unanimously (7-0).

**Consideration/Action regarding resolution 2015-07 to allow special assessment charges for garbage and recycling services:** R. Spurrell stated that the resolution number would be changed to 2015-05 since 2015-05 from line item #11 did not pass. Motion made by L. Neuburg to approve Resolution 2015-05. Seconded by J. Frisch. Motion carried unanimously (7-0).

**Consideration/Action regarding Resolution 2015-06 for an advisory referendum to be placed on the Spring Election Ballot in regards to police coverage for the Village:** R. Spurrell explained that the language proposed was recommended by Atty. Blum. Motion made by L. Neuburg to deny resolution and have no referendum. No Second after three tries. Motion failed for lack of second. Motion made by G. Hein to approve Resolution 2015-06. Seconded by P. Jones. Motion carried (5-2) G. Scheff and L. Neuburg opposed.

**Committee Reports/Action Items: (Information on discussion and action taken at previous meeting(s), future agenda items and upcoming scheduled meeting(s) :**

**a. Code & Ordinance –**

**1. Consideration/Action regarding Ordinance #217 LOUD AND UNNECESSARY NOISE**

**PROHIBITED:** J. Frisch stated that the committee had made the changes recommended by Atty. Blum, however did not make changes to the decibel readings. R. Spurrell express concern over the possibility of Village Board conflicting with the Special Permit section referring to an 80 decibel limit going beyond 11:45pm. G. Hein and G. Scheff proposed that the noise could potentially cause more problems than it solves, indicating that they have already received complaints about the Christmas music played by St. Theresa's Church possibly being in violation of the proposed ordinance. L. Neuburg indicated that the ordinance as written now is unenforceable. R. Spurrell expressed concern that community events could be affected. L. Neuburg expressed her concerns over business prosperity being affected, indicating that successful business bring money to other businesses in the Village. J. Hoefakker indicated that he thought the decibel level should be raised from 75 to 77 or 78 for business and residential. Motion made by J. Frisch to approve Ordinance #217 with amendments: the last line of the Special Permit section being stricken and the decibel level for business and residential being raised to 77. Seconded by J. Hoefakker.

**2. Roll call vote –** L. Neuburg – yes, J. Frisch – yes, J. Hoefakker – yes, P. Jones – no, G. Scheff – yes, G. Hein – no, R. Spurrell – no. Motion carried (4-3)

**3. Consideration/Action Resolution 2015-09, to update the Village of Eagle Fee Schedule:** R. Spurrell indicates the change of Resolution 2015-09 to be renumbered as 2015-08. Motion made by J. Frisch to approve Resolution 2015-08. Seconded by P. Jones. Motion carried unanimously (7-0).

4. **Consideratin/Action regarding the use of a SPECIAL EVENT PERMIT application:** Motion made by J. Frisch to approve the use of proposed SPECIAL EVENT PERMIT application. Seconded by L. Neuburg. Motion carried (6-1) G. Scheff opposed.
5. **Consideration/Action regarding St. Theresa's Special Event Permit:** Motion made by R. Spurrell to approve as outlined in the letter provided by St. Theresa's church, also waiving the application fee. Seconded by L. Neuburg. Motion carried unanimously (7-0).
- b. **Eagle Recreation Department** – no update, but closed session discussion would include Eagle Rec Dept
- c. **Fire & Building** – J. Frisch asked acting Chief B. Hein whether the Village was being compensated for the mutual aid being provided to Palmyra. B. Hein indicated that they were not.
- d. **Library** – G. Hein indicated they had not had a meeting
- e. **Nature Trail** – J. Hoefakker indicated they had not had a meeting
- f. **Personnel & Finance** – R. Spurrell indicated that evaluations had taken place, which would be discussed in closed session
- g. **Police & Licensing** – L. Neuburg indicated that there would be a special meeting held Dec 15<sup>th</sup> @ 3:30pm
- h. **Public Works & Property** – G. Scheff indicated that S. Deegan's review had been done at the last meeting and that the new plow truck was being shipped for add-ons.

**Motion for closed session per WI State Statute §19.85(1)(c), for considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically for discussion regarding the Joint Recreation Department Director employment and compensation and to discuss compensation for all Village of Eagle employees.** Motion made by P. Jones. Seconded by J. Frisch.

**Roll Call Vote:** L. Neuburg – yes, J. Frisch – yes, J. Hoefakker – yes, P. Jones – yes, G. Scheff – yes, G. Hein – yes, R. Spurrell – yes. Motion carried unanimously (7-0).

#### **Closed Session**

**Motion to reconvene to open session:** Motion made by G. Scheff. Seconded by G. Hein. Motion carried unanimously (7-0).

**Open Session:** Reconvened to open session at 8:43pm

#### **Discussion/Action regarding closed session discussion:**

- a. **Discussion/Action to hire a Recreation Department Director:** Motion made by L. Neuburg to proceed as discussed in closed session. Seconded by G. Scheff. Motion carried unanimously (7-0).
- b. **Discussion/Action regarding Resolution 2015-08 to set maximum wage rates for the Village of Eagle Employees:** R. Spurrell indicated the Resolution number change to 2015-07. Motion to approve resolution 2015-07 made by J. Frisch. Seconded by G. Hein. Motion carried unanimously (7-0).

**Adjournment:** Motion to adjourn made by G. Hein. Seconded by L. Neuburg. Motion carried unanimously (7-0). Meeting adjourned at 8:44pm.